

EXHIBIT “B”



COPY OF PAPERS
ORIGINALLY FILED

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

KENT D. HENRY, et al.

Serial No.: 10/072,016

Filed: February 6, 2002

Confirmation No.: 1908

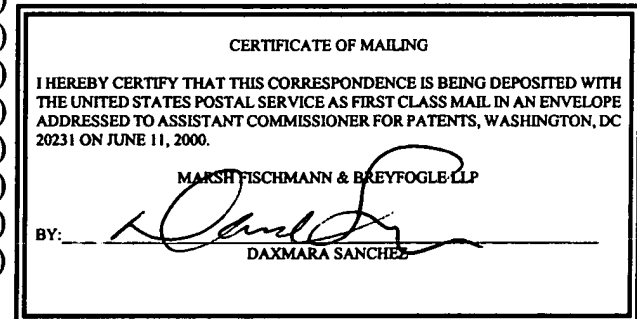
Atty. File No.: 42074-00270

For: "MULTI-PARAMETER
MONITORING TOOL ASSEMBLY"

) Group Art Unit: 2833

) Examiner: Not Yet Assigned

) DECLARATION OF KENNETH J. JOHNSON
) UNDER 37 C.F.R. SECTION 1.47(a)



Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

I, Kenneth J. Johnson, declares as follows:

I. I am a registered patent attorney (Reg. No. 36,834) currently associated with the law firm of Marsh Fischmann & Breyfogle LLP in Aurora, Colorado.

II. I am representing assignee, In-Situ, Inc., the corporate assignee of the above referenced application.

III. In my capacity representing In-Situ, Inc., prepared and filed the above-referenced patent application.

IV. Mr. Todd Hochwitz, with a last known address of 1402 Ord Street, Laramie, WY 82070, is an inventor of the above-referenced application and is no longer an employee with In-Situ, Inc.

V. Prior to filing the above-referenced patent application, I was informed by Dr. Kent Henry, director for In-Situ, Inc. that an e-mail (Exhibit C) was transmitted to Mr. Hochwitz soliciting his participation in the patent application process.

VI. I was forwarded from Dr. Kent Henry an e-mail (see Exhibit D) indicating refusal by Mr. Hochwitz to participate in the patent application process.

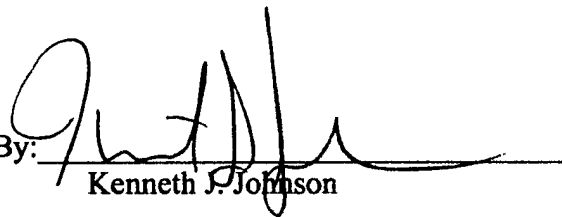
VII. I transmitted to Mr. Hochwitz an e-mail (see Exhibit D) on May 8, 2002 soliciting his participation in the patent application process. No response was received to the e-mail.

VIII. A copy of the Patent Application with cover letter were sent via registered mail to Mr. Hochwitz last know address via a letter of May 13, 2002 (see Exhibit E). Further that the certified mail package was refused by the recipient (see Exhibit F).

IX. A number of telephone calls were placed by myself to Mr. Hochwitz' last known telephone number soliciting his involvement in the patent process. None of the telephone calls were answered and none of the messages left on the answering machine were returned.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and alike so made are punishable by a fine or imprisonment, or both, under Section 1001 of Title 18 of the United States code, and that such willful false statements may jeopardize the validity of the above identified patent application or any patent issuing thereon.

Date: June 11, 2002

By: 
Kenneth J. Johnson